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on May 13, 2009

PATENT  
Attorney Docket No.: 015358-006600US  
Client Reference No.: ID-RSV-262

TOWNSEND and TOWNSEND and CREW LLP

By: /Mary K. Chacon/  
Mary K. Chacon

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Jamey Graham

Application No.: 10/081,129

Filed: February 21, 2002

For: MULTIMEDIA VISUALIZATION  
AND INTEGRATION ENVIRONMENT

Customer No.: 20350

Confirmation No.: 9535

Examiner: Mylinh T. Tran

Art Unit: 2179

REQUEST FOR RECONSIDERATION OF  
PATENT TERM ADJUSTMENT  
DETERMINATION

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.705(b), Applicants respectfully request reconsideration of the patent term adjustment determination. This request is accompanied by the fee set forth in §1.18(e) and a statement of facts as required under 37 C.F.R. § 1.705(b)(2).

Based on the explanation that follows, the correct patent term adjustment is believed to be 1,451 days, not 684 days as stated on the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) mailed on April 8, 2009.

**Statement of Facts**

Correct Patent Term Adjustment and Bases Under §§ 1.702, 1.703, and 1.704 for the Adjustment

The period of adjustment under 37 C.F.R. § 1.702(a) is 990 days ("A delay").

The period of adjustment under 37 C.F.R. § 1.702(b) is to be determined when the instant application issues. The effective period of adjustment as of the mailing date of the Notice of Allowance under 37 C.F.R. § 1.702(b) is 1,085 days (“B delay”).

The period of overlapping days over the period of adjustments under 37 C.F.R. §§ 1.703(a)-(e) is 318 days.

The period adjustment under 37 C.F.R. § 1.704(a) is 306 days (“applicant delay”).

The relevant dates as specified in 37 C.F.R. §§ 1.703(a)-(c) &  
the adjustment specified in 37 C.F.R. § 1.703(f)

1. § 1.703(a)

Applicants are in agreement with the USPTO determination of a period of adjustment of 990 days under 37 C.F.R. § 1.703(a). (*See* Exhibit A, attached hereto).

Applicants respectfully request an additional period of adjustment equal to the number of days, if any, in the period beginning on the day after the date that is four months after the date the issue fee was paid, May 13, 2009, and all outstanding requirements were satisfied and ending on the date the patent was issued. *See* 37 C.F.R. § 1.703(a)(6).

2. § 1.703(b)

The period of adjustment under 37 C.F.R. § 1.702(b) begins on the day after the date that is three years from the filing date of the instant application, February 21, 2005, and ends on the day the patent is issued.

The period of adjustment does not include the period beginning on the date on which an RCE was filed, February 11, 2008. *See* 37 C.F.R. § 1.703(b)(1).

Thus, the effective period of adjustment under 37 C.F.R. § 1.702(b) is 1,085 days, *i.e.*, from February 21, 2005 to February 11, 2008.

3. § 1.703(c)-(e)

There are no relevant dates as specified under §§ 1.703(c)-(e).

4. Calculation of Overlapping Days under § 1.703(f)

There are 318 days in the overlapping periods under §§ 1.703(a)-(c). The overlapping period is from February 21, 2005 to January 5, 2006.

Applicants request that overlapping periods be determined in accordance with *Wyeth v. Dudas* (Case No. 07-1492, D.D.C. 2008). The periods of delay under 35 U.S.C. §154(b)(1)(A) and 35 U.S.C. §154(b)(1)(B) overlap only if they occur on the same calendar day or days.

As discussed above, Applicants respectfully request an additional period of adjustment equal to the number of days, if any, under 37 C.F.R. § 1.703(a)(6). Any such period of adjustment under 37 C.F.R. § 1.703(a)(6) begins on May 13, 2009 will not overlap with a period of adjustment under 37 C.F.R. § 1.702(b) which does not include the period beginning on February 11, 2008.

Reduction of period of adjustment of patent term under 37 C.F.R. §1.704

Applicants are in agreement with the U.S. Patent and Trademark Office determination of an adjustment of 306 days under 37 C.F.R. § 1.704(a).

**Patent Term Adjustment Determination**

Applicants are entitled to 1,451 days of patent term adjustment, *i.e.*,  
[ (A delay (990 days) + B delay (1,085 days) – overlap (318 days))] minus [306 days (applicant delay)] under 37 C.F.R. § 1.703(f). Applicants are also entitled to any period of adjustment under 37 C.F.R. § 1.703(a)(6).

Terminal disclaimer

No terminal disclaimer has been filed.

Jamey Graham  
Application No.: 10/081,129  
Request for Reconsideration of Patent Term  
Adjustment Determination filed April 8, 2009

PATENT

Please charge the fee set forth in 37 C.F.R. §1.18(c) (\$200.00) to Deposit Order Account No. 20-1430. Please charge any necessary additional fees or credit any overpayments to our Deposit Order Account No. 20-1430.

Based on the foregoing, Applicants respectfully request reconsideration of the patent term adjustment determination.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/George B. F. Yee/

George B.F. Yee  
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422  
GBFY:mkc

Attachment: Exhibit A (3 pages)

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**Exhibit A**  
Request For Reconsideration For  
Patent Term Adjustment For  
U.S. Patent No. 10/081,129

<b>10/081,129</b>	<b>MULTIMEDIA VISUALIZATION AND INTEGRATION ENVIRONMENT</b>	<b>05-13-2009::11:48:17</b>
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### Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/081,129

Filing or 371(c) Date:	02-21-2002	USPTO Delay (PTO) Delay (days):	990
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	306
Post-Issue Petitions (days):	+0	Total PTA (days):	684
USPTO Adjustment(days):	+0	Explanation Of Calculations	

### Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
04-08-2009	Mail Notice of Allowance		
04-07-2009	Document Verification		
04-07-2009	Notice of Allowance Data Verification Completed		
12-18-2008	Information Disclosure Statement considered		
03-31-2009	Date Forwarded to Examiner		
03-28-2009	Amendment after Final Rejection		
12-29-2008	Mail Final Rejection (PTOL - 326)		
12-18-2008	Information Disclosure Statement (IDS) Filed		
12-22-2008	Final Rejection		
12-18-2008	Information Disclosure Statement considered		
09-30-2008	Information Disclosure Statement considered		
10-24-2008	Information Disclosure Statement considered		
08-28-2008	Information Disclosure Statement considered		
06-09-2008	Information Disclosure Statement considered		
12-18-2008	Information Disclosure Statement (IDS) Filed		
08-28-2008	Reference capture on IDS		
08-28-2008	Information Disclosure Statement (IDS) Filed		
10-24-2008	Information Disclosure Statement (IDS) Filed		
09-30-2008	Reference capture on IDS		
09-30-2008	Information Disclosure Statement (IDS) Filed		1
10-02-2008	Date Forwarded to Examiner		⌚
09-29-2008	Response after Non-Final Action		63
09-29-2008	Request for Extension of Time - Granted		⌚
09-30-2008	Information Disclosure Statement (IDS) Filed		⌚
08-28-2008	Information Disclosure Statement (IDS) Filed		⌚
06-09-2008	Reference capture on IDS		⌚
06-09-2008	Information Disclosure Statement (IDS) Filed		⌚
06-09-2008	Information Disclosure Statement (IDS) Filed		⌚
04-28-2008	Mail Non-Final Rejection		⌚
04-26-2008	Non-Final Rejection		
02-15-2008	Date Forwarded to Examiner		

**Exhibit A**  
Request For Reconsideration For  
Patent Term Adjustment For  
U.S. Patent No. 10/081,129

02-15-2008	Date Forwarded to Examiner	
02-11-2008	Request for Continued Examination (RCE)	
02-15-2008	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	
02-11-2008	Request for Extension of Time - Granted	
02-11-2008	Workflow - Request for RCE - Begin	
12-11-2007	Mail Appeals conf. Proceed to BPAI	
12-10-2007	Pre-Appeals Conference Decision - Proceed to BPAI	
09-19-2007	Request for Pre-Appeal Conference Filed	
09-19-2007	Notice of Appeal Filed	61
09-19-2007	Request for Extension of Time - Granted	⌚
07-02-2007	Mail Advisory Action (PTOL - 303)	⌚
06-28-2007	Advisory Action (PTOL-303)	⌚
06-20-2007	Date Forwarded to Examiner	⌚
06-19-2007	Amendment after Final Rejection	⌚
04-20-2007	Mail Final Rejection (PTOL - 326)	⌚
04-16-2007	Final Rejection	
07-31-2006	Information Disclosure Statement considered	
02-02-2007	Date Forwarded to Examiner	
01-12-2007	Response after Non-Final Action	64
01-12-2007	Request for Extension of Time - Granted	⌚
08-09-2006	Mail Non-Final Rejection	⌚
07-31-2006	Reference capture on IDS	
07-31-2006	Information Disclosure Statement (IDS) Filed	70
07-31-2006	Information Disclosure Statement (IDS) Filed	
08-07-2006	Non-Final Rejection	⌚
05-31-2006	Date Forwarded to Examiner	⌚
05-22-2006	Response after Non-Final Action	47
05-22-2006	Request for Extension of Time - Granted	⌚
01-05-2006	Mail Non-Final Rejection	990
12-27-2005	Non-Final Rejection	⌚
11-02-2005	Information Disclosure Statement considered	⌚
10-27-2005	Information Disclosure Statement considered	⌚
11-02-2005	Reference capture on IDS	⌚
11-02-2005	Information Disclosure Statement (IDS) Filed	⌚
11-02-2005	Information Disclosure Statement (IDS) Filed	⌚
10-27-2005	Reference capture on IDS	⌚
10-27-2005	Information Disclosure Statement (IDS) Filed	⌚
10-27-2005	Information Disclosure Statement (IDS) Filed	⌚
06-13-2005	Reference capture on IDS	⌚
06-13-2005	Information Disclosure Statement (IDS) Filed	⌚
06-13-2005	Information Disclosure Statement (IDS) Filed	⌚

**Exhibit A**  
 Request For Reconsideration For  
 Patent Term Adjustment For  
 U.S. Patent No. 10/081,129

05-14-2005	Case Docketed to Examiner in GAU	⌘
03-21-2005	Reference capture on IDS	⌘
03-21-2005	Information Disclosure Statement (IDS) Filed	⌘
03-21-2005	Information Disclosure Statement (IDS) Filed	⌘
09-07-2004	Information Disclosure Statement (IDS) Filed	⌘
09-07-2004	Information Disclosure Statement (IDS) Filed	⌘
02-01-2005	Case Docketed to Examiner in GAU	⌘
11-21-2002	Reference capture on IDS	⌘
08-24-2004	Case Docketed to Examiner in GAU	⌘
05-17-2004	IFW TSS Processing by Tech Center Complete	⌘
05-17-2004	Reference capture on IDS	⌘
05-17-2004	Reference capture on IDS	⌘
05-17-2004	IFW TSS Processing by Tech Center Complete	⌘
01-23-2004	Rescind Nonpublication Request for Pre Grant Publication	⌘
05-30-2003	Information Disclosure Statement (IDS) Filed	⌘
05-30-2003	Information Disclosure Statement (IDS) Filed	⌘
11-13-2002	Information Disclosure Statement (IDS) Filed	⌘
11-13-2002	Information Disclosure Statement (IDS) Filed	⌘
01-15-2003	Case Docketed to Examiner in GAU	⌘
09-16-2002	Information Disclosure Statement (IDS) Filed	⌘
09-16-2002	Information Disclosure Statement (IDS) Filed	⌘
06-05-2002	Information Disclosure Statement (IDS) Filed	⌘
06-05-2002	Information Disclosure Statement (IDS) Filed	⌘
12-18-2002	Transfer Inquiry to GAU	⌘
05-30-2002	Application Dispatched from OIPE	⌘
05-30-2002	Application Is Now Complete	⌘
05-15-2002	Payment of additional filing fee/Preexam	⌘
05-15-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	⌘
03-19-2002	Notice Mailed--Application Incomplete--Filing Date Assigned	⌘
03-07-2002	IFW Scan & PACR Auto Security Review	⌘
02-21-2002	Initial Exam Team nn	⌘

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